

DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT
OFF HIGHWAY VEHICLE USE FOR MAINTENANCE
ALONG THE TYEE ELECTRICAL TRANSMISSION LINE EA
FOREST SERVICE
TONGASS NATIONAL FOREST
WRANGELL AND PETERSBURG RANGER DISTRICTS
WRANGELL, ALASKA

DECISION

Based upon my review of the Off Highway Vehicle Use (OHV) for Maintenance along the Tyee Electrical Transmission Line Environmental Assessment (EA), I have decided to implement the Proposed Action. My decision is to allow use a tracked OHV to transport personnel and equipment (hand tools) within segments of the transmission line right-of-way (ROW) to complete vegetation maintenance activities required by the Federal Energy Regulatory Commission (FERC).

DECISION RATIONALE

The use of an OHV to transport maintenance crews along designated segments of the transmission line will not have significant effects on the environment. In making this decision I have considered all applicable laws, regulations, and policies; the information presented in the EA, public and agency comments, the 2016 Forest Plan, and the project planning record. I considered how the selected alternative meets the purpose and need for action, addresses the issues identified, responds to public comment, and mitigates for environmental impacts.

The purpose for using an OHV is to provide cost-effective access to segments of the Tyee electrical transmission line for maintenance crews conducting vegetation management activities and other infrequent transmission line management activities (such as emergency repairs or tower inspections). The need for this proposed action is to reduce the cost of maintaining the transmission system to provide low cost electrical service to the communities of Wrangell and Petersburg. The Southeast Alaska Power Agency (SEAPA) is required by the FERC to manage vegetation growth within their transmission line ROW such that the vegetation does not interfere with the safety and operation of the transmission system.

Issues associated with the use of vehicles along segments of the Tyee electrical transmission line were identified through public involvement activities. These issues include potential effects on soils and wetlands, fish and stream habitat, special status plants and wildlife, invasive plant species, and cultural resources. These issues are addressed through the development of the proposed action and the evaluation of effects of the proposed project.

Four comment letters were received (two during scoping and two during the 30-day EA comment period); two individuals supporting the proposed action, one from the Alaska Department of Fish and Game identifying a concern about OHV crossings at anadromous fish streams, and one individual concerned about Wilderness areas.

The effects of the proposed project are expected to be minor due to the already disturbed nature of the existing ROW, the limited area within the transmission line ROW being traversed, the low ground pressure characteristics of the OHV being used, and the infrequent recurrence of use within the same area (short term high frequency use with a return interval of several years).

Impacts will be mitigated. Monitoring and mitigation requirements will be included in SEAPA's amended special use permit. The permit amendment will require SEAPA to develop for Forest Service approval, measures to protect soils, wetlands, and streams. The noxious weed and exotic plant prevention and control plan, and a streambank and erosion monitoring plan will guide the implementation of the mitigation measures found in (or from) Appendix A in the EA.

There are no known Forest Service sensitive plant species within the project area. Use of an OHV in the project area, and transport of the OHV from other areas to the project area may introduce or spread invasive plant species. Mitigation measures are prescribed which will minimize the risk of introducing or spreading invasive plant species. The proposed action is not expected to impact threatened, endangered, or sensitive wildlife species, or Forest Service management indicator species. The OHV will cross some streams that are fish-bearing. Mitigation measures restricting crossings at selected streams to a specified timing window will be required per the EA Appendix A, or as amended through the ADF&G Title 16 Permit process.

The Off Highway Vehicle Use for Maintenance along the Tyee Electrical Transmission Line EA documents the environmental analysis and conclusions upon which this decision is based. The unauthorized OHV/ATV use by the public will be addressed through public education, signage and law enforcement efforts.

PUBLIC INVOLVEMENT

This action was originally listed as a proposal on the Tongass National Forest Schedule of Proposed Actions in July 2014, and updated during the analysis. People were invited to review and comment on the proposal through a scoping newsletter distributed to interested stakeholders in late December 2014 and early January 2015.

Government-to-government consultation between the Forest Service and local tribal governments has been conducted. Consultation has been undertaken with the Sealaska Corporation, the Central Council Tlingit and Haida Indian Tribes of Alaska, the Wrangell Cooperative Association, and the Petersburg Indian Association.

Availability of the EA was published in the Wrangell Sentinel and the Petersburg Pilot the week of June 19, 2017. A legal notice stating the availability of the EA was published in the Ketchikan Daily News (the newspaper of record) on June 19, 2017 identifying a 30-day comment period. The availability of the EA was announced to stakeholders and posted on the project website.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

2016 Tongass Land and Resource Management Plan (Forest Plan)

This decision is consistent with the 2016 Forest Plan. The project was designed in conformance with Renewable Energy Direction of the 2016 Forest Plan. The desired condition for the Renewable Energy Direction provides for renewable energy projects to contribute to the economic well-being of Southeast Alaska communities across National Forest System land. The desired condition also states that renewable energy resources are developed in a manner that would maintain and protect National Forest System land and resources (2016 Forest Plan, page 5-9). Renewable energy sites include utility lines for the transmission and distribution of electrical energy (2016 Forest Plan, page 7-49).

ANILCA Section 810, Subsistence Evaluation and Finding

The effects of this project have been evaluated to determine potential effects on subsistence opportunities and resources. There is no documented or reported subsistence use that would be restricted as a result of this decision. For this reason, none of the alternatives would result in a significant possibility of a significant restriction of subsistence use of wildlife, fish, or other foods.

Endangered Species Act of 1973

A Biological Evaluation has been completed for this action. The Biological Evaluation concluded that the proposed action may affect, but is not likely to adversely affect, threatened, endangered, or proposed species. The project received concurrence from the National Marine Fisheries Service regarding this determination.

National Historic Preservation Act of 1966

The Forest Service program for compliance with the National Historic Preservation Act includes locating, inventorying and nominating all cultural sites that may be directly or indirectly affected by scheduled activities. This activity has been reviewed by a qualified archeologist and a determination made that no known cultural resources are present in the project area.

Floodplain Management (E.O. 11988), Protection of Wetlands (E.O. 11990)

This activity will not impact the functional value of any floodplain as defined by Executive Order 11988 and will not have negative impacts on wetlands as defined by Executive Order 11990.

Recreational Fisheries (E.O. 12962)

Federal agencies are required, to the extent permitted by law and where practicable, and in cooperation with States and Tribes, to improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities. As required by this Order, I have evaluated the effects of this action on aquatic systems and recreational fisheries and documented those effects relative to the purpose of this order. Since

there are no effects to fisheries resources within the project area there will be no direct, indirect or cumulative impacts related to this Order.

Environmental Justice (E.O. 12898)

I have determined that in accordance with Executive Order 12898 this project does not have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.

Invasive Species (E.O. 13112)

Executive Order 13112 directs Federal agencies whose actions may affect the status of invasive species to insure coordinated, cost-efficient agency actions addressing the prevention, detection, control, and monitoring of alien species. "Invasive species" refers to those likely to cause economic or environmental harm. Actions to be taken include planning at the local, tribal, state levels for species that are likely to cause economic or environmental harm, or, regional, and ecosystem levels, in cooperation with stakeholders and organizations addressing invasive species. Agencies are not to fund or authorize actions that the agency believes are likely to cause or promote the introduction or spread of invasive species, unless the benefits of the action outweigh the potential harm caused by the species.

An invasive plant risk assessment has been completed for this project, findings and recommendations are incorporated into project design and decision. The Invasive Plant Risk Assessment contains mitigation measures addressing the management of invasive plants.

Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act requires consultation with the National Marine Fisheries Service on activities that may affect Essential Fish Habitat (EFH). EFH is defined as "those waters and substrates necessary to fish for spawning, breeding, feeding, or growth to maturity." EFH for Pacific salmon includes marine waters, intertidal habitats, and freshwater streams accessible to anadromous fish.

The project area includes EFH for pink, chum, and Coho salmon. Pink and chum salmon spawn in the summer and fall, do not overwinter in freshwater, and therefore only use the project area on a seasonal basis. Adult Coho salmon spawn in freshwater and juveniles overwinter in freshwater prior to entering saltwater the following spring.

As described in the EA, the proposed action (including monitoring and mitigation measures described in Appendix A) would result in negligible effects on water quality and aquatic habitat. The effects of any increases in sediment delivery and altered riparian vegetation to freshwater EFH would be minimized by implementing stream segment specific mitigation measures to protect water quality and aquatic habitat for all freshwater streams within the analysis area. Therefore, the proposed action will have no adverse effect on EFH.

FINDING OF NO SIGNIFICANT IMPACT

I have reviewed the environmental effects of the use of an OHV along the Tyee electrical transmission line for maintenance purposes as disclosed in the EA. I have also evaluated whether the proposed action constitutes a significant impact on the quality of the human and natural environment based on the context and intensity as defined by the Council of Environmental Quality Regulations for significance (40 CFR Sec. 1508.27), as detailed below.

Context is the social, geographic, and environmental setting and timeframe within which the proposed action may have effects. For site-specific actions such as the proposed action, significance usually depends upon the effects in the local (social, geographic, and environmental) context rather than in the world as a whole. Intensity refers to the severity of the impact. The following ten factors are evaluated when considering the context and intensity of a proposed action.

CONTEXT

The proposed action would amend SEAPA's special use permit for the operation and maintenance of the Tyee electrical transmission line right-of-way (ROW) to allow the use of off-highway vehicles to transport personnel and equipment to conduct maintenance along nine segments of the Tyee electrical transmission line shown in Figure 1.3-2 of the EA, and from designated access points to the transmission line ROW. The geographic area of effects is limited to the transmission line ROW corridor, and along access points to that corridor. A description of the affected area for each resource is described in the EA.

INTENSITY

The intensity of effects was considered in terms of the following:

1. Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial. The intensity of the effect of the proposed action on aquatic, soils, wetlands, and invasive species is minimal. These potential effects are mitigated by project-specific and standard mitigation measures as identified in Appendix A of the EA.
2. **The degree to which the proposed action affects public health or safety.** There will be no significant effects on public health and safety because the proposed action would not affect public access to National Forest System land.
3. Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. There will be no significant effects on unique characteristics of the area, because no historic properties were identified to be affected by the proposed action; no park, prime farmlands, wild and scenic rivers, or ecologically critical areas exist within the project area. Potential effects to wetlands are mitigated by project-specific and standard mitigation measures identified in Appendix A of the EA.

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The proposed action would not affect the socioeconomic conditions of the local communities. No comments were received indicating possible controversial effects of the proposed action.
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The analysis shows that the effects of the proposed action are not uncertain, nor involve unique or unknown risks. Mitigation measures included in this decision have been implemented successfully on other projects.
6. The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration. The action is not likely to establish a precedent for future actions with significant effects, because there are limited opportunities on the Forest for similar actions to occur. Proposals to implement similar actions in other locations would be analyzed for significance at that time. Thus this decision does not affect future actions, nor should be used as rationale for determining significance of future actions. Where similar actions are possible the effects and mitigation measures would likely be similar; resulting in no significant impacts.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** There are no past, present, or reasonably foreseeable future projects that are identified which would result in cumulative effects to resources. The effects of the action are limited to the local area and there are no other effects that would be additive to the effects of the proposed action as described on pages 76 and 77 of the EA.
8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, and not cause loss or destruction of significant scientific, cultural, or historical resources because no archaeological or historic cultural resources were noted or discovered within the area of potential effects.
9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. No effects were identified for any threatened, endangered, or proposed species. No critical habitat is within the project area.
10. Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment. Applicable Federal and State environmental laws, regulations, and executive orders were considered during the development of the proposed action and are included in this decision. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. The action is consistent with the 2016 Tongass National Forest Land and Resource Management Plan.

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

OBJECTIONS

A draft decision notice and FONSI were made available to the public, and a legal notice announcing the objection period for this project was published in the Ketchikan Daily News, the newspaper of record, on January 8, 2018. A copy of the legal notice was also be posted on the Forest Service project website.

No objections to the draft decision were received during the 45 day objection period.

IMPLEMENTATION DATE

As no objection was received within the objection filing period, which ended on February 22, 2018, this decision may be signed and implemented on, but not before, the fifth business day following the close of the objection filing period, which is March 1, 2018 (36 CFR 218.12(c)(2)).

CONTACT

For information concerning this decision, contact David Rak, Lands and Special Uses Forester, Wrangell Ranger District, P.O. Box 51, 525 Bennett Street, Wrangell, AK 99929, 907-874-7566, drak@fs.fed.us

RESPONSIBLE OFFICIAL



M. EARL STEWART

Forest Supervisor



Date

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